



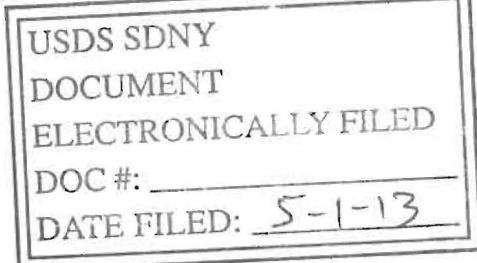
MEMO ENDORSED

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April 30, 2013

By Email

Hon. Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl St.
New York, NY 10007-1312



Re: Enzo Biochem et al. v. Amersham et al. (No. 02 Civ 8448)
Enzo Biochem et al. v. Molecular Probes et al. (No. 03 Civ 3816)
Enzo Biochem et al. v. PerkinElmer et al. (No. 03 Civ 3817)
Enzo Biochem et al. v. Orchid Biosciences (No. 03 Civ 3819)
Affymetrix v. Enzo Biochem et al. (No. 03 Civ 8907)
Enzo Life Sciences v. Affymetrix (No. 04 Civ 1555)
Roche Diagnostics v. Enzo Biochem, et al. (No. 04 Civ 4046)

Dear Judge Sullivan:

This letter is submitted on behalf of plaintiffs and/or declaratory judgment defendants Enzo Biochem, Inc. and Enzo Life Sciences, Inc. (collectively, "Enzo"). Please accept this letter as an application for an order sealing the following documents, which Enzo intends to file and serve on May 1, 2013:

- Enzo's Memorandum of Law in Opposition to PerkinElmer Inc. and PerkinElmer Life Sciences, Inc.'s ("PE") Motion for Summary Judgment;
- Enzo's Statement of Material Facts Showing Genuine Issues of Fact to be Tried in Opposition to PE's Motion for Summary Judgment;
- Enzo's Memorandum of Law in Opposition to Orchid Biosciences, Inc.'s ("Orchid") Motion for Summary Judgment;

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- Enzo's Statement of Material Facts Showing Genuine Issues to be Tried in Opposition to Orchid's Motion for Summary Judgment;
- Enzo's Memorandum of Law in Opposition to Molecular Probes, Inc.'s ("MPI") Motion for Summary Judgment;
- Enzo's Statement of Material Facts Showing Genuine Issues to be Tried in Opposition to MPI's Motion for Summary Judgment;
- Enzo's Memorandum of Law in Opposition to Amersham plc and Amersham Biosciences' ("Amersham") Motion for Summary Judgment;
- Enzo's Statement of Material Facts Showing Genuine Issues to be Tried in Opposition to Amersham's Motion for Summary Judgment;
- Exhibits to the Declaration of John J. Elliott in Opposition to Defendants PE's, MPI's, Orchid's, and Amersham's Motions for Summary Judgment;
- Enzo's Memorandum of Law in Opposition to Affymetrix Inc.'s ("Affymetrix") Motion for Summary Judgment;
- Enzo's Statement of Material Facts Showing Genuine Issues to be Tried in Opposition to Affymetrix's Motion for Summary Judgment;
- Exhibits to the Declaration of Lauren B. Grassotti in Support of Enzo's Opposition to Affymetrix's Motion for Summary Judgment;
- Enzo's Memorandum of Law in Opposition to Roche Diagnostics GmbH and Roche Molecular Systems, Inc.'s ("Roche") Motion for Summary Judgment;
- Enzo's Statement of Material Facts Showing Genuine Issues to be Tried in Opposition to Roche's Motion for Summary Judgment;
- Exhibits to the Declaration of Jennifer R. Moore in Support of Enzo's Opposition to Roche's Motion for Summary Judgment.

The documents noted above contain highly confidential information that is covered under (1) the confidentiality provisions of certain distributor agreements between the parties, and/or (2) the protective orders in the above-referenced actions. The Court granted similar applications in connection with the defendants' and/or declaratory judgment plaintiffs' ("Defendants") renewed Joint Motion for Summary Judgment on patent issues, Enzo's opposition thereto, and Defendants' individual motions for summary judgment on non-patent issues. *See, e.g.*, Dkt. No. 255, *Enzo Biochem, Inc., et al. v. Amersham PLC, et al.* 02-cv-08448 (S.D.N.Y.). The Court (per the Honorable John Sprizzo) has also granted similar applications in connection with Defendants' prior summary judgment motions and Enzo's oppositions thereto.

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Accordingly, I respectfully ask the Court to grant this application for an order sealing the above-referenced documents.

Thank you for your consideration.

Very truly yours,



Jeffrey R. Mann

cc: Counsel of record

At 9:18 p.m. on the eve of its filing deadline, Enzo requested permission to file fifteen separate documents under seal. The request is DENIED. The fifteen filings that Enzo seeks to seal are central to the disposition of this consolidated case, and Plaintiff has failed to apply the standards for sealing set forth in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). If Enzo wishes to renew its request, it shall submit a letter justifying its request as to each individual filing in light of *Lugosch*.

SO ORDERED 
Dated: 5/1/13 RJS
RICHARD J. SULLIVAN
U.S.D.J.